

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

MIGUEL LUJAN,

Plaintiff,

v.

No. CIV 15-93 SCY/KK

CITY OF ESPANOLA *et al.*,

Defendants.

ORDER

This matter is before the Court on Plaintiff's Application to Proceed in District Court without Prepaying Fees or Costs (Doc. 3), filed February 2, 2015. Because the Court grants the motion, the filing fee for this civil rights complaint is \$350.00. Based on the information about Plaintiff's financial status, the Court will waive an initial partial payment pursuant to § 1915(b)(1). Plaintiff is required to pay the full amount of the filing fee by monthly payments as directed below pursuant to § 1915(b)(1). Failure to comply with this order may result in dismissal of the complaint without further notice.

The statute governing proceedings *in forma pauperis* provides that "officers of the court shall issue and serve all process, and perform all duties in [proceedings *in forma pauperis*]." 28 U.S.C. § 1915(d). Because Plaintiff is authorized to proceed *in forma pauperis* under 28 U.S.C. § 1915, the Court will order the Clerk of the Court to notify Defendants that an action has been commenced and request that Defendants waive service pursuant to Federal Rule of Civil Procedure 4(d).

IT IS THEREFORE ORDERED that Plaintiff's Application to Proceed in District Court Without Prepaying Fees or Costs (Doc. 3) is GRANTED, and the initial partial payment is waived.

IT IS FURTHER ORDERED that Plaintiff is to file monthly financial certificates and make monthly payments of twenty per cent (20%) of the preceding month's income credited to his account or show cause why the payment should be excused; and, the Clerk is directed to provide Plaintiff with two copies of the post-filing monthly financial certificate.

IT IS FURTHER ORDERED that the Clerk of the Court is to notify Defendants that an action has been commenced and request that Defendants waive service pursuant to Rule 4(d). If Defendants do not return the waiver within 45 days after the request is sent, then the United States Marshal shall serve a copy of the Summons and Complaint on Defendants.

IT IS SO ORDERED.


UNITED STATES MAGISTRATE JUDGE